

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

HOWARD E. MEYER,

Plaintiff,

v.

**Civil Action No. 2:06 CV 59
(Maxwell)**

**ALPINE LAKE PROPERTY
OWNERS' ASSOCIATION, INC.,**

Defendant.

ORDER

By Order entered on June 13, 2006, the Court referred the above-styled matter to Magistrate Judge John S. Kaull for pretrial development. On November 7, 2006, Plaintiff filed a Motion To Enforce Settlement. Defendant filed a response to said motion on November 21, 2006, and Plaintiff replied on December 1, 2006. On December 8, 2006, Magistrate Judge Kaull filed with the Court his Report and Recommendation recommending that Plaintiff's Motion To Enforce Settlement be denied. Magistrate Judge Kaull's Report and Recommendation further directed the parties, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Report and Recommendation. On December 22, 2006, Plaintiff filed its Objections to the Report and Recommendation, and Defendant responded to Plaintiff's objections on January 9, 2007.

The Court has conducted a careful, *de novo* review of the entire record before the Court in this matter. Upon careful review of the Plaintiff's objections, and the Defendant's response thereto, it does not appear to the Court that the parties have raised any issues that were not addressed in their earlier filed pleadings, and that were not thoroughly considered by the Magistrate Judge. Moreover, the Court, upon an independent *de novo*

consideration of all matters now before it, finds that the Report and Recommendation accurately reflects the law applicable to the facts before the Court in this matter. The Court, adopting Magistrate Judge Kaull's Report and Recommendation, finds that there does not appear to have been a meeting of the minds with regard to settlement, and a clearly defined agreement of settlement containing undisputed specific terms does not exist, as more fully set forth in the Report and Recommendation. Accordingly, it is

ORDERED that Magistrate Judge Kaull's Report and Recommendation be, and the same hereby is, accepted in whole. It is further

ORDERED that Plaintiff's Motion to Enforce Settlement shall be, and the same hereby is, **DENIED**. It is further

ORDERED that, pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B), Rule 72 of the Federal Rules of Civil Procedure, and Rule 7.02(c) of the Local Rules of Civil Procedure, the pre-trial development of this case, including the development of a scheduling order, and any dispositive or non-dispositive motions, are **REFERRED** to United States Magistrate Judge John S. Kaull. Magistrate Judge Kaull shall conduct such proceedings as are required, including but not limited to, any oral arguments on the pending issue of a preliminary injunction, any scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure, discovery conferences, or any other such evidentiary hearings as may become necessary in determining the motions or in preparation for submission of the proposed findings of fact and recommended disposition.

The Clerk is directed to transmit a copy of this order to all counsel of record herein.

ENTER: March 5th, 2007

/s/Robert E. Maxwell
United States District Judge